



1AP12 Rec'd PCT/PTO 12 APR 2007

PCT
\$

Dkt. 0575/68548-PCT-US/JPW/JCS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Shi Du Yan, et al.
U.S. Serial No.: 10/577,382
Filed : as §371 national stage of PCT
International Application No.
PCT/US2004/036170, filed October 28, 2004
For : Methods for Reducing Seizure-Induced Neuronal
Damage

1185 Avenue of the Americas
New York, NY 10036
April 9, 2007

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**COMMUNICATION IN RESPONSE TO JANUARY 8,
2007 NOTIFICATION OF MISSING REQUIREMENTS UNDER
35 U.S.C. §371 IN THE UNITED STATES DESIGNATED/ELECTED
OFFICE AND PETITION FOR A ONE-MONTH EXTENSION OF TIME**

This Communication is submitted in response to a January 8, 2007 Notification of Missing Requirements Under 35 U.S.C. §371 in the United States Designated/Elected Office issued by the United States Patent and Trademark Office in connection with the above-identified application. The Notice, a copy of which is attached hereto as **Exhibit A**, provides a period of two months for filing a response. Therefore, a response was originally due March 8, 2007. Applicants hereby petition for a one-month extension of time. The fee for a one-month extension is \$120.00 for a large entity, and a check including that amount is enclosed. With a one-month extension, a response is due April 8, 2007. However, because April 8, 2007 falls on a Sunday, a response filed the next business day, i.e. Monday, April 9, 2007, is to be considered timely. Accordingly,

Applicants: Shi Du Yan, et al.
Serial No.: 10/577,382
Filed: October 28, 2004
Page 2

this Communication is being timely filed.

REMARKS

The enclosed January 8, 2007 Notification requires the submission of a properly signed inventors' oath or declaration. In response, applicants submit as **Exhibit B** a Declaration and Power of Attorney signed by the inventors in compliance with 37 C.F.R. §1.497(a) and (b). In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date. The surcharge for filing the Declaration is \$130.00 for a large entity, and a check including this amount is enclosed.

The January 8, 2007 Notice further indicated that the subject application does not contain a paper copy of a sequence listing as required by 37 C.F.R. §1.821(c), or a computer readable form of the sequence listing and a statement that the content of the sequence listing in computer readable form is identical to the paper copy of the sequence listing.

Applicants note that during a January 26, 2007 telephone conference between Jeffrey Shieh, Esq., an associate of the undersigned, and Ms. Barbara Campbell of the Office of PCT Operations at the U.S. Patent and Trademark Office, Mr. Shieh indicated that the subject application does not contain any nucleotide or amino acid sequences, as defined in 37 C.F.R. §1.821(a), and therefore it was unclear why the January 8, 2007 Notice indicated that the subject application was not in compliance with the sequence listing requirements. In response, Ms. Campbell indicated that it was likely that the sequence listing requirement set forth in the

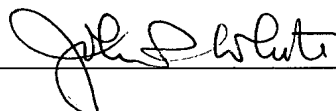
Applicants: Shi Du Yan, et al.
Serial No.: 10/577,382
Filed: October 28, 2004
Page 3

January 8, 2007 Notice was erroneously inserted.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the \$130.00 Declaration surcharge and the \$120.00 fee for a one-month extension of time, is deemed necessary in connection with the filing of this Communication. Accordingly, a check for \$250.00 is enclosed. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

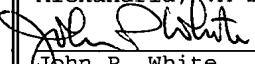
Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


John P. White
Reg. No. 28,678

4/9/07
Date

04/17/2007 GFREY1 00000053 10577382

01 FC:1251
02 FC:1617

120.00 OP
130.00 OP

JPW/JCS



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/577,382

FIRST NAMED APPLICANT

Shi Du Yan

ATTY. DOCKET NO.

68548-PCT-US/JPW/JW

INTERNATIONAL APPLICATION NO.

PCT/US04/36173

I.A. FILING DATE

10/28/2004

PRIORITY DATE

10/31/2003

23432

COOPER & DUNHAM, LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

JUN 11 2007

CONFIRMATION NO. 4714

371 FORMALITIES LETTER



OC000000021883661

Date Mailed: 01/08/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 04/27/2006
- Copy of the International Search Report filed on 04/27/2006
- Preliminary Amendments filed on 04/27/2006
- Information Disclosure Statements filed on 04/27/2006
- Oath or Declaration filed on 04/27/2006
- Request for Immediate Examination filed on 04/27/2006
- U.S. Basic National Fees filed on 04/27/2006
- Power of Attorney filed on 04/27/2006
- Specification filed on 04/27/2006
- Claims filed on 04/27/2006
- Abstracts filed on 04/27/2006

Missing Parts Due:

2 no. 3/8/07

3 no. 4/8/07

4 no. 5/8/07

5 no. 6/8/07

6 no. 7/8/07

7 no. 8/8/07

mu

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27,

Applicants: Shi Du Yan, et al.
Serial No.: 10/577,382
Filed: April 27, 2006
Exhibit A

must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- **\$65 Surcharge.**
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/577,382	PCT/US04/36173	68548-PCT-US/JPW/JW

FORM PCT/DO/EO/905 (371 Formalities Notice)